



Tuesday, June 4, 2019

# City Council Meeting

H-2

Consider a resolution for a variance to the City of Keller Unified Development Code (UDC), Article 8, Zoning Districts, Fencing Requirements in Residential Zoning Districts, Section 8.11 - requesting a special exception to use black, vinyl-coated chain link fencing, situated on approximately 6.36-acres of land on the south side of Shady Grove Road, approximately 480-feet southwest of Shady Grove Road and Keller Smithfield Road South intersection, being Lots 8R1 and 8R2, Block A, Shady Grove Estates, at 7220 Shady Grove Road, and zoned Single Family-Residential - 36,000 Square-Foot lot minimum (SF-36). Frank Dale, Owner. (UDC-19-0008).



Shady Grove Road

Home

7210

Sports Court

H-2

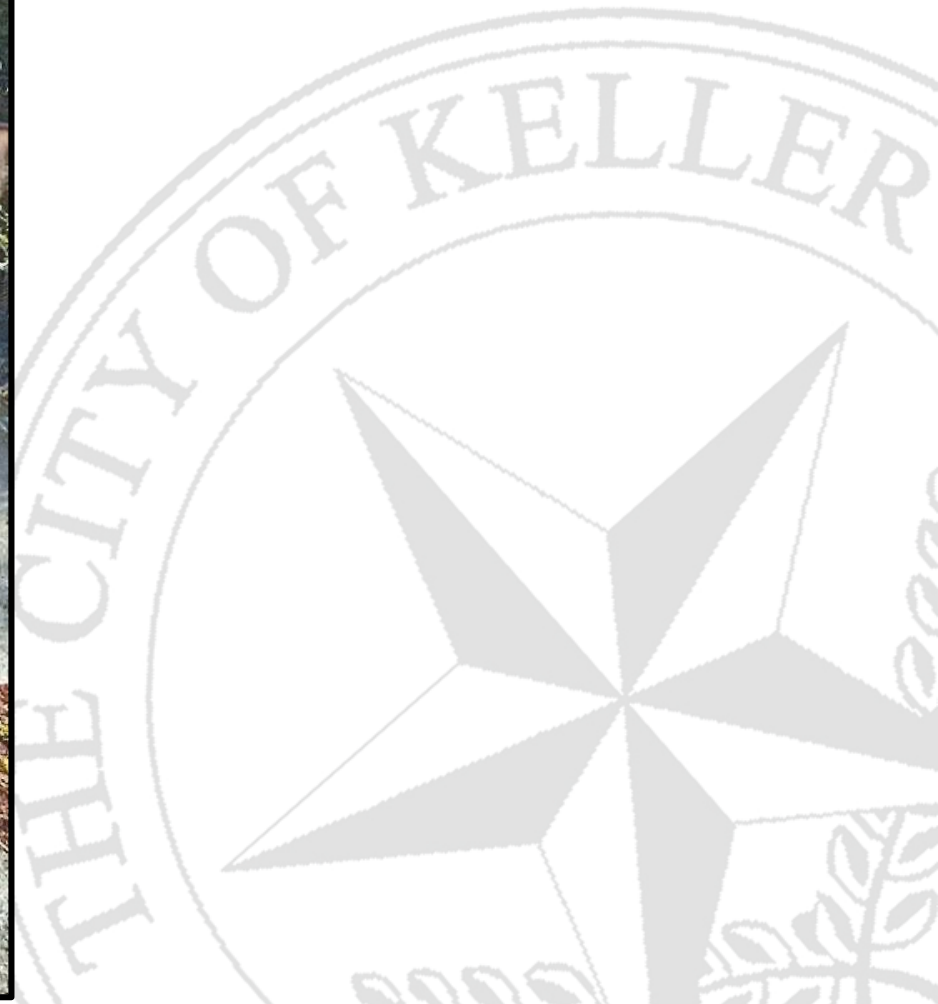
N

Not to Scale





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## Background

- Sport Court Requirements
  - Flatwork requires no permit
  - Fencing does require a permit, and staff (via the DRC process) may approve fence height up to 10 feet. DRC did approve 10-feet for this application.
  - Vinyl-clad, chain link fencing material cannot be seen from the street and requires a special exception recommended by P&Z and approved by City Council.
- Application submitted for special exception for black vinyl-clad, chain link fencing.
- On May 13, 2019, the Planning and Zoning Commission took action on this agenda item and recommended approval by a unanimous vote.

Section 2.07 (A.2) of the UDC states that no variance shall be granted unless the City Council recommends approval and finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
3. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
4. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
5. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

## City Council Options:

The City Council has the following options when considering a variance request:

- Approve the special exception (use of black vinyl coated chain link fencing).
- Approve with modified or additional conditions.
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.